

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.9727 OF 2004

Smt.Sheelabai Malappa Kalashetty.

...Petitioner.

Versus

State of Maharashtra & Ors.

...Respondents.

.....

Mr. S.S. Shah for the Petitioner.

Mr.A. H. Palekar, AGP for Respondent No.1 to 3.

Mr. I.M. Khairadi for Respondent No.5.

.....

CORAM : DR. D.Y. CHANDRACHUD, J.

April 26, 2005.

P.C.:

1. The Divisional Joint Registrar is seized of an appeal arising out of an order under Section 78(1) of the Maharashtra Co-operative Societies' Act, 1960. The Appellate Authority vacated an order of stay against which proceedings were adopted before the State Government under Section 154. On 22nd October 2004, a stay was granted till the appeal is heard. It appears that thereafter, on 29th November 2004, there was a direction of the Minister for Co-operation

to vacate the stay. Stay came to be vacated without notice to the Petitioner. When this petition was taken up for admission, an ad-interim order was passed on 7th December 2004, while issuing notices, directing the parties to maintain status quo. The order of status quo has held the field till this date. Having regard to the facts and circumstances of the case, it would be appropriate and proper to direct the Divisional Joint Registrar to dispose of the appeal within two months from today. Until the appeal is disposed of, the status quo which is ordered by this Court on 7th December 2004 shall continue to operate. In the event that an adverse order is passed in the appeal, the order shall not be given effect to for a period of four weeks. The impugned order dated 29th November 2004 is accordingly quashed and set aside.

2. In these circumstances, Counsel appearing on behalf of the Petitioner states that the Revision which has been filed before the State Government will not be pressed. Formal steps shall be taken for the withdrawal of the Revision.

3. The Petition is accordingly disposed of in the aforesaid terms.